

### **Geologic Combining District**

Areas within the City that are subject to geologic hazards are designated within a Geologic Combining District, which places additional restrictions on development in order to protect residents and structures. Residential uses are not permitted on some hazardous soil types, and restrictions are more stringent for multi-family dwellings as opposed to single-family dwellings. Construction requires the issuance of a permit and a geotechnical report to ensure the development will not result in significant impacts to the safety of the structure. The Geologic Combining District is only located within the hillside areas where very few additional housing units are zoned for development.

### **Flood Damage Prevention**

The Flood Damage Prevention zone places additional limits on development and construction standards to reduce flood damage to structures. Portions of the City subject to flooding, flood-related erosion hazards, and mudslides fall within these zoning limitations. All structures must be reviewed and obtain certification. Construction standards require anchoring, flood resistant materials and equipment, adequate drainage, proper elevation, and flood resistant utilities and other public facilities.

### **Seismic Combining District**

This district establishes additional restrictions in order to protect structures from geologic hazards. Construction of any project across the trace of a known active fault is prohibited as well as a 50-foot area around the fault trace. If a project is located within this district, geologic studies are required prior to project approval.

### **Residential Planned Development Overlay District**

The Residential Planned Development (RPD) zone is an overlay district that permits and encourages flexibility in site planning. Lot sizes, yards, and density requirements are relaxed. Within these zones, the underlying zoning district is used as a guide towards permitted land uses. Single-family or multi-family dwellings are permitted as established within the underlying zoning within the RPD zones, and licensed nursing homes are allowed with a conditional use permit. Density bonus development is also permitted. Density bonus units may also be used for low-income or senior housing. While RPD zones allow for greater flexibility in providing housing, a more detailed and stringent review process is also associated with this zone. The depth of the review process may delay projects.

### **Planned Unit Development**

The Planned Unit Development (PUD) district promotes the coordination of design and function of multiple adjacent properties. All uses are permitted in the PUD district with approval by the City Council. The density of residential developments within the PUD must be in accordance with the density limits established for the area by the General Plan. Therefore, maximum densities may vary within this zone, depending on the location of the parcel within the City.

## Second Units

Some of the City's affordable housing needs can be met through the construction of second units, which are permitted in the Open Space and all residential zoning districts. Requirements for second units are as follows:

- Secondary units must be located on lots that meet or exceed the minimum parcel size for those zones.
- The design of second dwellings must conform to local codes as well as the design and scale of the existing dwelling and neighboring dwelling units.
- One secondary unit is permitted per each appropriately zoned parcel containing a single-family dwelling.
- Secondary dwelling units attached to the primary dwelling may not occupy more than 30 percent of the existing living area of the primary dwelling unit
- Maximum square footage varies by zone, ranging from 650 to 1,000 square feet.
- Second units may be either detached from, or attached to the primary dwelling unit on the property. A detached unit must conform to the building setback and lot coverage limitations contained in the applicable zoning district and shall be setback a minimum of 6 feet from the primary dwelling unit.
- No more than two bedrooms may be constructed in a secondary dwelling unit.
- There must be a minimum of one parking space per studio or one-bedroom secondary unit and two parking spaces per two-bedroom secondary unit. Parking spaces do not need to be covered.

Since Morgan Hill's second unit permit requirements allow such units to be constructed in most of the City, property owners are more apt to use this housing option.

## Homeless Facilities and Transitional Housing

The Morgan Hill Zoning Code does not expressly allow or prohibit homeless shelters, homeless supportive service facilities, and/or transitional housing. Institutional, religious, charitable, and public facilities are permitted by conditional use in RE (non-housing facilities), R-1 (non-housing facilities), R-2, R-3, and CO (non-residential social services). Depending on the operator and nature of the services provided, it is possible that a homeless or transitional housing facility could fall under the Zoning Code definition of institutional, religious, charitable, or public facility. Because the City does not have a significant internal homeless problem, requests to operate a homeless shelter, supportive service facility, or transitional housing facility in the City are few. However, State law (Section 65583[c][1] of the California Government Code) requires that the Housing Element:

...identify adequate sites which will be made available through appropriate zoning and development standards and with services and facilities...needed to facilitate and encourage the development of a



variety of types of housing for all income levels, including...emergency shelters and transitional housing in order to meet the community's housing goals.

Clarification in the Zoning Code of where such uses would be permitted, if requested, would help the City show compliance with this section of State law.

### **Constraints to Locating Housing for Persons with Disabilities**

Morgan Hill has a number of regulations that help to ensure the needs of people with mobility impairments can be met. Section 18.56.060 of the Municipal Code allows projections into setback areas for access ramps and similar accommodations. These encroachments are approved by the Community Development Director as part of the building permit process with a finding that the projection will serve as a required means of from the structure. No separate permitting process is required.

Section 18.56.150 of the Code allows for Minor Exceptions to setback, coverage and off-street parking standards in all zoning districts. The Exceptions are approved by the Community Development Director using a streamlined administrative process. The process requires notification of adjacent property owners and usually takes three weeks to complete. Approvals for Exceptions to setback and coverage standards require findings that the Exceptions would be in character with and would not unreasonably affect adjacent properties. Approvals for Exceptions to parking standards may reduce the required number of spaces by a maximum of 25 percent and require findings that the Exceptions would not result in traffic hazards or impact the parking needs of the use.

State and federal laws require that five percent of multi-family units to be handicapped-accessible or adaptable. These requirements are enforced through the City's Building Division as part of normal building code enforcement.

Morgan Hill allows housing for persons with self-care limitations in a number of ways. Special Residential Care Facilities are allowed in all of the City's residential zoning districts. These Facilities may accommodate as many as six unrelated persons with self-care limitations. Establishment of these Facilities requires approval of a Zoning Permit by the Community Development Director. This administrative process normally requires approximately three weeks to complete. Approval of a Permit may be withheld if a proposed Facility is within 300 feet of an existing similar facility. Facilities accommodating more than 6 persons are allowed in the R-3 residential district upon the granting of a Conditional Use Permit by the Planning Commission. The findings required for approval of these larger Facilities are the same as required for other conditional uses and address the suitability and adequacy of the site for the proposed use; impacts on traffic circulation, compatibility of design with adjacent uses, and conformity with hazardous materials requirements.

The City has considered the accessibility and supportive services needs of persons with disabilities by designating land use categories in the General Plan and implementing consistent zoning classifications. Areas of the City zoned for multifamily housing and

other classifications that permit alternative types of housing for persons with disabilities are generally located with access to public transit, commercial and public services, and sidewalks and street crossing compliant with state and federal handicapped accessibility standards. In addition, the City recently provided a \$152,000 loan to Community Solutions to rehab an existing transitional housing facility in the City. The City also enforces compliance with building code standards for accessibility.

Based on its zoning, land use policies, and building code practices, Morgan Hill does not believe that it has created significant constraints to the location, construction, or cost of special needs housing for persons with disabilities.

## **Residential Zoning Districts**

There are six use-designations in the General Plan that allow residential uses that are described below and compared in Table 30.

The first three designations allow single-family dwellings. The fourth through sixth designations allow single-family and multi-family dwellings.

### **Residential Estate**

The density allowed in the Residential Estate designation corresponds to the densities permitted in the OS and RE zones. The maximum density in this designation is 1 dwelling unit (DU) per acre, or minimum lot size of 40,000 square feet. The maximum intensity of building and impervious surface coverage is 30 percent of the site area.

### **Single Family Low**

Single Family Low corresponds to R-1-12,000 and R-1-20,000 zoning. The maximum density allowed in these areas is one to three DU per acre, or minimum lot size of 12,000 square feet. The maximum intensity of building and impervious surface coverage is 40 percent of the site area.

### **Single Family Medium**

Single Family Medium corresponds to the R-1-9,000 and R-1-7,000 zones. Development densities of three to five DU per acre are permitted in these areas, or minimum lot size of 7,000 square feet. The maximum intensity of building and impervious surface coverage is 50 percent of the site area.

### **Multi-Family Low**

Multi-Family Low designation falls into the R-2-3,500 and R-2-3,000 zones. The density of this designation is five to 14 DU per acre, or minimum lot size of 6,000 square feet. The intensity of building coverage is 50 percent of the site area.

### **Multi-Family Medium**

This designation corresponds to R-2-3,500 and R-2-3,000 zones. Densities within these sites are 14 to 21 DU per acre, or minimum lot size of 6,000 square feet. The maximum intensity of building coverage is 60 percent of the site area.



### **Multi-Family High**

This designation corresponds to the R-4 High Density residential zoning district. The density of this designation is 21 to 40 DU per acre with a minimum lot size of 6,000 square feet. The maximum building coverage is 60 percent of the site area.

**Table 30**

Morgan Hill Zoning Code Requirements with Allowable Residential Development

Development Components	RE 40,000 RE 100,000	R-1 12,000 R-1 20,000	R-1 7,000 R-1 9,000	R-2 3,500 R-2 3,000	R3	R4	CC-R
Lot Area – Minimum (Square feet)	a. 40,000 b. 100,000	a. 12,000 or 6,000 for corner duet b. 20,000 or 10,000 for corner duet	a. 7,000 or 3,500 for corner duet b. 9,000 or 4,200 for corner duet	a. 7,000 (duplex lot) or 3,500 for townhouse lot b. 6,000 or	6,000 or 4,500 for corner lots	6,000 or 6,500 for corner lots	6,000
Lot Coverage – Maximum	a. 30% b. 25%	40%	50%	50%	60%	60%	75%
Maximum Height – Structure	30 feet	30 feet	30 feet	30 feet	30 feet	48 feet	45 feet
Allowable Stories	2.5	2.5	2.5	2.5	2.5	3	3
Units/Acre	a. 1 unit per acre b. 1 unit per 2 acres	a. 3.6 or 7.3 (duet) units per acre b. 2.2 or 4.4 (duet) units per acre	a. 6.2 or 12.5 (duet) units per acre b. 4.8 or 10.9 (duet) units per acre	a. 12.5 units per acre b. 14.52 units per acre	21.78 units per acre	39.6 units per acre	18.1 units per acre

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Single-Family Dwellings	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use		
Second Residential Units	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use		
Apartments/ Multi-family Units (excluding duets)	RV Parks are a conditional use	Not Permitted	Not Permitted	Permitted Use	Permitted Use	Permitted Use	Permitted Use		
Residential Care	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Conditional Use, prohibited on Monterey Rd.		

Source: Morgan Hill Planning and Zoning Codes.

## **Available Public Facilities, Services, and Infrastructure**

As most of the City residential developments are less than 30 years old, infrastructure, including streets, sewers, storm drains, and water lines, are in good working condition.

Most of the City's vacant residential land is located on the valley floor. Due to the historic development pattern of the City, infrastructure and public services are generally available throughout this area. New development is required to provide roadway improvements and other infrastructure to serve its needs. In addition, new development is required to pay impact fees to offset the costs of new and expanded services. Many vacant and infill parcels are served by public transportation due to their proximity to existing bus routes.

There are no physical infrastructure limitations on the City's ability to accommodate affordable housing, nor are there infrastructure or public service constraints on remaining sites potentially suitable for affordable housing.

As of January 2006 the City had 0.93 million gallons per day of available sewage treatment capacity. Given historic rates of growth, which includes 250 additional dwelling units per year, this capacity would last the City until the year 2012, beyond the planning period for this Housing Element. The City is currently working with the City of Gilroy to expand the joint treatment plant in 2010 to give the City an additional 2.5 million gallons of treatment capacity per day.

The City's water supply is provided entirely from local underground aquifers. Currently, the City has 15 operational water wells. In accordance with the City's 2002 Water Master Plan, the City is drilling a new well in FY 06/07 and another well in FY 07/08. These wells are projected to provide sufficient water supplies for new growth beyond the planning period for this Housing Element. The Santa Clara Valley Water District is responsible for recharging the aquifers from which the City receives its water. The District has advised the City that sufficient ground water is available to serve City growth through the year 2020.

## **Neighborhood Character**

Incompatible uses may be created on infill parcels when higher density units are allowed on infill parcels that are substantially surrounded by low-density single-family development. There is a strong desire by residents to maintain the neighborhood character. However, there are no infill parcels that could create an incompatibility of concern to neighborhood residents, and the application of this policy has not been a constraint in practice.

## **Building and Fire Codes**

Fire sprinklers are required by the City in all residential structures within a fire hazard zone, in hillside areas and on the valley floor if the structure is larger than 4,500 square feet, which increases the cost of housing construction. The City also requires Class A



roofing for all new roofs in hillside areas. Class A is the highest standard for fire retardant roofing and is the most effective against severe fire exposure. Roofing materials that meet Class A requirements are also among the most expensive and can add significantly to the cost of an affordable housing development. However, this standard only applies to hillside areas, where limited new growth is anticipated. Other building code requirements limit the materials that may be used or the engineering and design of structures. Code violations may result in fines up to \$1,000, up to six months in jail, or a combination of the two.

### **Code Enforcement**

The City has an active code enforcement program, with one code enforcement officer. The City's main code enforcement problems are illegal signage, failure to obtain building permits, and improper storage of vehicles, boats, and trailers. Other offenses include public nuisances, litter, illegal dumping, and other similar offenses. As of August 2001, the City had a total of 750 code violations, over half of which were illegal sign postings.

### **Parking Requirements**

The parking requirements have not been an impediment to housing development. Single-family dwelling units currently require two covered spaces per dwelling unit with an additional guest space per four dwelling units. Single Family Senior Residential areas require two covered spaces per dwelling unit for 50 percent of the dwelling units, and one covered space per dwelling unit for the remaining 50 percent of the dwelling units, with one guest space per four dwelling units. Multi-family units require 1.5 spaces per studio, two spaces per two-bedroom unit, and 2.5 spaces per three-bedroom unit of which one covered space per dwelling unit is required and one guest parking space per three units is required. Multi-family senior units require one covered parking space per dwelling unit and one guest space per every five units. Parking in the CC-R zone must follow the number of parking spaces per dwelling unit type as described above, with the exception that these spaces are not required to be covered. Parking requirements are not considered excessive in comparison to those of similar communities.

### **Processing and Permit Procedures**

The City's permitting procedures are not a barrier to housing development as requests for single-family homes and multi-family projects are processed within the time limits set forth by AB-884, California Environmental Quality Act (CEQA), and the Subdivision Map Act. According to the Community Development Department, Planning Division, project approval takes between seven and 23 months depending on the type of application. The basic process for most projects consists of submitting an application and any necessary environmental documentation, staff review, revisions, hearings, and appeals if needed. The review process is necessary for zoning amendments, General Plan amendments, annexations, variances, property subdivision, site plan review, and RDCS (Measure P) allotments. Site Plan reviews require the least amount of time for processing, which is about seven to ten weeks. RDCS allotments may take between 12 and 23 months. The amount of time needed to process the applications increases with

the amount of CEQA-required documentation prepared for the project, and may increase the review period six months or more depending on the level of documentation required. The RDCS allotment process is lengthy and rigorous; however, since the RDCS limits the number of homes that may be built, the length of the review process is not the primary constraint. In addition, the RDCS review process ensures that a percentage of the units constructed accommodate lower-income households, which helps provide a balanced housing market in the City.

## **Fees and Exactions**

Direct Development costs due to governmental processes include permit and application fees, park and recreation fees, improvement bonds, public works improvement fees, and environmental review fees as shown on Tables B-1 and B-2 in Appendix B. The fees charged in Morgan Hill are comparable to the fees charged by other local governments; rates were established to cover the costs incurred by the City to process an application and impact fees. There are fees required by the Public Works Department based on the valuation of the home, number of units, square feet, etc. Fees per single-family dwelling unit for services include:

Park fee	\$2,321
Traffic Impact Fee	\$2,037
Library Fee	\$207
Police Impact Fee	\$115
Fire Impact Fee	\$689
General City Facilities	\$272
Schools	\$1.84 per square foot

An average home of 1,800 square feet in size would include approximately \$30,000 in building fees and application fees. The largest building fees are a result of school, traffic, and park fees, along with sewer and water fees. In addition there are RDCS application fees and architectural and site plan review fees.

## **On and Off-site Improvement Requirements**

When new developments are constructed there is a need to improve the land upon which the development is located, or provide improvements in the general area to properly serve the development. These improvements vary depending on whether the development is located on raw land or an infill site. Typical raw land improvements include the installation of sewers, curbs, gutters, and streets. Standards for local residential streets vary depending on anticipated traffic volumes. Required rights of way may be either 48 or 52 feet with associated pavement widths of 36 and 40 feet,



respectively. Sidewalks are required on both sides of residential streets. Many infill sites are already equipped with some if not most improvements, particularly streets. Therefore, there are usually no dedication or easement requirements on such sites. If dedication and/or improvement is required, it is limited to a maximum of 36 feet of dedication and 26 feet of improvement. Land improvements require fees, some of which are listed above. The cost of improvements depends upon the extent of improvements, the size of the project, and accessibility.

## **ENERGY CONSERVATION OPPORTUNITIES**

### **State Building Code Standards**

Compliance with Title 24 will enable homeowners to reduce energy consumption. The California Energy Commission was created in 1974 by the Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code 25000 et seq.). Among the requirements of the new law was a directive for the Commission to adopt energy conservation standards for new construction. The first residential energy conservation standards were developed in the late 1970s (Title 24, Part 6 of the California Code of Regulations) and have been periodically revised and refined since that time.

### **RDCS Energy Conservation**

The RDCS point system provides developers with incentives to exceed Title 24 requirements for energy conservation. The RDCS point system allocates additional points to projects that use energy efficient building techniques, materials, and appliances so that buildings consume less energy than allowed by Title 24 standards. Points are given to projects that utilize EPA "Energy Star" windows, low-e coatings, vinyl or metal frames, high efficiency gas furnaces, dual zone high-efficiency heating systems, high efficiency air conditioning units, roof mounted solar panels, or wind generators, if developers are able to show how energy savings will be achieved. In addition, projects receive additional points if they include innovative water conservation through building techniques, exceed current City and State standards, and use water-saving plumbing fixtures. Because the RDCS allocation is highly competitive, developers are given an incentive to include energy saving features to attain the highest number of RDCS points.

### **General Design Standards**

There are many opportunities for conserving energy in new and existing homes. New buildings, by design, can easily incorporate energy efficient techniques into the construction. It is important to consider the opportunity for energy savings in existing housing also. According to the U.S. Department of Energy, the concept of energy efficiency in buildings is the building envelope, which is everything that separates the interior of the building from the outdoor environment: the doors, windows, walls, foundation, roof, and insulation. All the components of the building envelope need to work together to keep a building warm in the winter and cool in the summer.

Constructing new homes with energy-conserving features, in addition to retrofitting existing structures, will result in a reduction in monthly utility costs. There are many ways to determine how energy efficient an existing building is and, if needed, what improvements can be made. PG&E offers free home energy audits and can specify areas for energy conservation. Examples of energy conservation opportunities include installation of insulation and/or storm windows and doors, use of natural gas instead of electricity, installation or retrofitting of more efficient appliances and mechanical or solar energy systems, and building design and orientation which incorporates energy conservation considerations.

Many modern building design methods are used to reduce residential energy consumption and are based on proven techniques. These methods can be categorized in three ways:

1. Building design that keeps natural heat in during the winter and keeps natural heat out during the summer. Such design reduces air conditioning and heating demands. Proven building techniques in this category include:
  - location of windows and openings in relation to the path of the sun to minimize solar gain in the summer and maximize solar gain in the winter;
  - use of "thermal mass," earthen materials such as stone, brick, concrete, and tiles that absorb heat during the day and release heat at night;
  - "burying" part of the home in a hillside or berm to reduce solar exposure or to insulate the home against extremes of temperature;
  - use of window coverings, insulation, and other materials to reduce heat exchange between the interior of a home and the exterior;
  - location of openings and the use of ventilating devices that take advantage of natural air flow (particularly cool evening breezes);
  - use of eaves and overhangs that block direct solar gain through window openings during the summer but allow solar gain during the winter; and
  - zone heating and cooling systems, which reduce heating and cooling in the unused areas of a home.
2. Building orientation that uses natural forces to maintain a comfortable interior temperature. Examples include:
  - north-south orientation of the long axis of a dwelling;
  - minimizing the southern and western exposure of exterior surfaces; and



- location of dwellings to take advantage of natural air circulation and evening breezes.
3. Use of landscaping features to moderate interior temperatures. Such techniques include:
- use of deciduous shade trees and other plants to protect the home;
  - use of natural or artificial flowing water; and
  - use of trees and hedges as windbreaks.
4. In addition to natural techniques, a number of modern methods of energy conservation have been developed or advanced during the present century. These include:
- use of solar energy to heat water;
  - use of solar panels and other devices to generate electricity;
  - window glazing to repel summer heat and trap winter warmth;
  - weather-stripping and other insulation to reduce heat gain and loss;
  - use of natural gas for dryers, stovetops, and ranges;
  - use of energy efficient home appliances; and
  - use of low-flow showerheads and faucet aerators to reduce hot water use.

The city's Mediterranean-like climate is typical of coastal northern California with year-round mild temperatures, providing an opportunity to use solar energy techniques to generate electricity, heat water, and provide space heating during colder months. Natural space heating can be substantially increased through the proper location of windows and thermal mass. Use of solar panels can generate 1,000 watts of electricity on a sunny day. This can constitute more than enough power for daily residential operations and a special converter attached to the solar panels can take excess electricity and funnel it back into the PG&E grid.

There are local programs that assist low- and moderate-income households in retrofitting their homes. PG&E offers free weatherization to qualified residents, including free attic insulation, weatherstripping and caulking, water heater blankets and low flow showerheads. They also offer rebates on the purchase of certain energy efficient appliances and vouchers for replacing windows, furnaces and other household items. The Design Review Section 18.74.330 and 18.74.450 of the Morgan Hill Planning and Zoning Codes encourages energy conservation through building design, solar energy fixtures, and landscaping.